

**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday:**

**January 5, 2016:**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 4:00 o'clock p.m., Tuesday, January 5, 2016.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, Kristy Fremstad, John Gunkelman, Mike Magelky, Rocky Schneider, Kelly Steffes, Scott Stofferahn, Jan Ulferts Stewart

Absent: Mary Scherling

Chair Ulferts Stewart called the meeting to order.

Chair Ulferts Stewart announced that a recent change in policy was approved by the Planning Commission, and the applicant is no longer required to attend the meeting.

**Business Items:**

**Item A: Approve Order of Agenda**

Member Gunkelman moved the Order of Agenda be approved as presented. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

**Item B: Minutes: Regular Meeting of December 1, 2015**

Member Stofferahn moved the minutes of the December 1, 2015 Planning Commission meeting be approved. Second by Member Fremstad. All Members present voted aye and the motion was declared carried.

**Item C: Wednesday, January 20, 2016 Brown Bag Luncheon**

Topic: GO2030 Fargo Comprehensive Plan: Review and Report Card

**Item D: Public Hearing Items:**

**Item 1: Darling's Third Addition**

a. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential of the proposed Darling's Third Addition. (Located at 1506-1508 7th Avenue South) (Vogel Law Firm): **APPROVED**

**b. Hearing on an application requesting a Plat of Darling's Third Addition (Minor Subdivision) a replat of Lot 1, Block 4, Darling's Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 1506-1508 7th Avenue South) (Vogel Law Firm): APPROVED**

Planner Aaron Nelson presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) zoning map amendment from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential; and 2) subdivision plat, Darling's Third Addition, as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4), Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Fremstad, Brust, Fischer, Stofferahn, Steffes, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 2: Cobalt Addition**

**a. Hearing on an application request a Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay of the proposed Cobalt Addition. (Located at 5035 38th Street South) (Cobalt): APPROVED**

**b. Hearing on an application requesting a Plat of Cobalt Addition (Minor Subdivision) a portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5035 38th Street South) (Cobalt): APPROVED**

Planner Derrick LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) zoning change from AG, Agriculture to LC, Limited Commercial, with a C-O, Conditional Overlay; and 2) subdivision plat, Cobalt Addition, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Brust, Schneider, Steffes, Stofferahn, Fischer, Fremstad, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 3: Southside 1st Addition**

**a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential of the proposed Southside 1st Addition. (Located at 2805 64th Avenue South) (Chris Hawley Architects): APPROVED**

**b. Continued Hearing on an application requesting a Plat of Southside 1st Addition (Major Subdivision) part of the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2805 64th Avenue South) (Chris Hawley Architects): APPROVED**

A Hearing had been set for December 1, 2015. At the December 1, 2015 meeting, the Hearing was continued to this date and time.

Derrick LaPoint presented the staff report. He noted a neighborhood meeting was held on December 3, 2015 for area property owners, and staff have not received any opposition to-date. Mr. LaPoint stated all approval criteria have been met and staff is recommending approval.

The Board discussed concerns including ingress and egress easements; required setbacks and how they correlate with future area developments; flood protection; and services that will be provided by the City.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) zoning change from AG, Agriculture to SR-2, Single-Dwelling Residential; and 2) subdivision plat, Southside 1st Addition, as outlined within the staff report, as the proposal complies with the adopted area plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Fremstad, Steffes, Magelky, Gunkelman, Fischer, and Ulferts Stewart voted aye. Members Brust, Stofferahn, and Schneider voted nay. Absent and not voting: Member Scherling. The motion was declared carried.

**Item 4: Section 13, Township 138 North, Range 49 West  
Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-0, Single-Dwelling Residential on a part of Section 13, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 8306 River View Road) (Kevin Fisher) (an): WITHDRAWN**

This was the date and time set for a Hearing on an application requesting a zoning change for the above mentioned property; however, the application has been withdrawn by the applicant.

**Item E: Other Items:**

**Item 1: Paving Standards for Industrial Zoning Districts**

Planner Maegin Rude stated staff is requesting the Board's approval, to further review conflicting sections of the Land Development Code as they relate to surface materials and lot lines in the Industrial Zoning Districts.

Upon discussion, the Board directed staff to go forward with their review and present proposed text amendments at a future Planning Commission meeting.

**Item 2: Daycare Child Limit for Residential Zoning Districts**

Aaron Nelson noted there has been past confusion among daycare providers regarding the different regulations on the number of children allowed for at-home daycares between the City and Cass County. Mr. Nelson stated the City currently allows a limit of 12 children, and the County allows a limit of 18 children. He stated staff is requesting the Board's direction to further explore options for consideration of context related to this discrepancy.

The Board confirmed they would like to defer this discussion to the next Brown Bag meeting.

The time at adjournment was 4:07 p.m.